

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THOMAS W. CUNNINGHAM,

Plaintiff,

v.

No. CV 12-1052 MV/LAM

THE CITY OF ALBUQUERQUE, et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR LEAVE
TO INITIATE DISCOVERY**

THIS MATTER is before the Court on Plaintiff's *Motion for Leave to Initiate Discovery* (Doc. 20), filed February 20, 2013, in which Plaintiff asks the Court to allow him to conduct discovery to obtain information regarding Plaintiff's claims. The Court has entered an order for a *Martinez* report in this case, pursuant to which Defendants should provide the information sought by Plaintiff. *See* [Doc. 21]. For this reason, the Court finds that Plaintiff's motion is unnecessary at this time and should be denied without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Plaintiff's *Motion for Leave to Initiate Discovery* (Doc. 20) is **DENIED** without prejudice.

IT IS SO ORDERED.


THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE